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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/671,424	09/27/2000	Michael L. Grandcolas	CIT10209/196411	5925
75127 7590 11/10/2009 KING & SPALDING LLP (CITI CUSTOMER NUMBER) ATTN: GEORGE T. MARCOU 1700 PENNSYLVANIA AVENUE, NW SUITE 200 WASHINGTON, DC 20006				
EXAMINER COLBERT, ELLA				
ART UNIT 3696		PAPER NUMBER		
MAIL DATE 11/10/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: MICHAEL L. GRANDCOLAS, NANCY BRYANT, HOWARD
A. SCHECHTMAN, and DILIP J. PAREKH

Application No. 09/671,424
Technology Center 3600

Mailed: November 10, 2009

Before Deborah L. Perry, Supervisory Paralegal Specialist, Review Team.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 21, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER

There are inconsistencies with the rejections of claims 51 and 52 under 35 USC § 103(a), between the Non- Final Rejection and the Examiner's Answer.

A review of the file finds inconsistencies are set forth below:

Non-Final Rejection, mailed June 1, 2007: The Grounds of Rejection lists claim 51 as rejected under 103(a) as unpatentable over Richards and claim 52 as rejected under 103(a) as unpatentable over Richards in view of Do.

Examiner's Answer, mailed on June 11, 2009: claims 51 and 52 are rejected under 103(a) as unpatentable over Richards.

Clarification and correction is required regarding the rejections of Claims 51 and 52 under 35 USC § 103(a).

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

1) vacate the Examiner's Answer and issue either

a) a Substitute Examiner's Answer to correct the appendix heading:

“Grounds of Rejection to be Reviewed on Appeal,” “Grounds of Rejection,”

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and “Arguments” sections and to correct other sections of the Answer as may be required; or

b) alternatively, if appropriate, issue a Supplemental Examiner’s Answer to correct the deficiencies in the “Grounds of Rejection to be Reviewed on Appeal,” “Grounds of Rejection,” and “Arguments” sections;

All Supplemental Examiner’s Answers require approval from the TC Director in accordance with MPEP 1207.05; and

2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DLP/bar

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